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**PATENT
Dkt. STL03262**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **SonSeng Yeow and ChinLin Tan**

Assignee: **SEAGATE TECHNOLOGY LLC**

Application No.: **10/692,516**

Group Art: **3687**

Filed: **October 24, 2003**

Examiner: **Vanel Frenel**

For: **SYSTEM AND METHOD FOR INVENTORY REPLENISHMENT**

**Mail Stop Appeal Brief - Patents
Commissioner for Patents
P. O. Box 1450
Alexandria, Virginia 22313-1450**

ATTENTION: Board of Patent Appeals and Interferences

APPELLANT'S SUPPLEMENTAL BRIEF

Appellant respectfully requests reinstatement of the appeal in response to the Office reopening prosecution. This Supplemental Brief is in furtherance of the Notice of Appeal filed on March 24, 2009 and the most recent Office Action mailed September 3, 2009. The required fees, any required petition for extension of time for filing this Brief, and the authority and time limits established by the Notice of Appeal are dealt with in the accompanying TRANSMITTAL OF APPEAL BRIEF.

This Brief contains these items under the following headings, and in the order set forth below:

- I. REAL PARTY IN INTEREST
- II. RELATED APPEALS AND INTERFERENCES
- III. STATUS OF CLAIMS
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I. REAL PARTY IN INTEREST

The real party in interest in this application is Seagate Technology LLC.

II. RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences.

III. STATUS OF CLAIMS

The status of the claims in this proceeding is:

<u>Claim</u>	<u>Status</u>
1. (Canceled)	
2. (Canceled)	
3. (Canceled)	
4. (Canceled)	
5. (Canceled)	
6. (Canceled)	
7. (Canceled)	
8. (Previously presented)	Independent.
9. (Canceled)	
10. (Previously presented)	Depends from claim 8.
11. (Previously presented)	Depends from claim 8.
12. (Previously presented)	Depends from claim 8.
13. (Previously presented)	Depends from claim 8.
14. (Previously presented)	Depends from claim 25.
15. (Previously presented)	Independent.
16. (Canceled)	
17. (Canceled)	
18. (Canceled)	
19. (Canceled)	
20. (Canceled)	
21. (Canceled)	
22. (Canceled)	
23. (Canceled)	
24. (Previously presented)	Depends from claim 8.
25. (Previously presented)	Depends from claim 24.
26. (Previously presented)	Depends from claim 15.
27. (Previously presented)	Depends from claim 15.
28. (Previously presented)	Depends from claim 15.
29. (Previously presented)	Depends from claim 15.
30. (Previously presented)	Depends from claim 15.

31. (Previously presented)	Depends from claim 30.
32. (Previously presented)	Depends from claim 31.

A. TOTAL NUMBER OF CLAIMS IN APPLICATION

Claims in the application: 8, 10-15, and 24-32.

B. STATUS OF ALL THE CLAIMS

1. Claims canceled: 1-7, 9, and 16-23
2. Claims withdrawn from consideration but not canceled: none
3. Claims pending: 8, 10-15, and 24-32
4. Claims allowed: none
5. Claims rejected: 8, 10-15, and 24-32
6. Claims objected to: none

C. CLAIMS ON APPEAL

Claims now on appeal: 8, 10-15, and 24-32

IV. STATUS OF AMENDMENTS

Appellant filed an after-final amendment on February 24, 2009, which the Office entered in the record. Appellant filed a Pre-Brief Request for review on March 24, 2009, and also filed an Appeal Brief on May 26, 2009. In response to the Appeal Brief, the Office reopened prosecution and issued the pending action mailed September 3, 2009.

V. SUMMARY OF CLAIMED SUBJECT MATTER

Embodiments of the present invention as recited by the language of independent claim 8 contemplate a system for replenishing low inventory (specification pg. 8:2-8). The system includes a first terminal associated with a user's site for entering and displaying information (such as 105, 110, specification pg. 9:4-14). The system also has a second terminal associated

with a supplier's site for entering and displaying information (such as 115, 120, specification pg. 10:3-6). A network is connected to the first terminal and the second terminal for exchanging information between the first terminal and the second terminal (such as 145, specification pg. 8:18 to pg. 9:1). A replenishment module executes computer readable instructions stored in memory (such as the steps depicted in FIG. 2) to continuously display a signal having a first visual characteristic simultaneously to both terminals in response to the user requesting a replenishment of inventory (specification pg. 12:19 to pg. 13:6). The replenishment module subsequently modifies the signal simultaneously to both terminals to continuously display a second visual characteristic different than the first visual characteristic responsive to the supplier sending the requested replenishment of inventory and during the time that the requested replenishment of inventory is in transit to the user (specification pg. 14:4-18).

Embodiments of the present invention as recited by the claims that depend from independent claim 8 contemplate the first and second visual characteristics can be graphical representations of data (specification pg. 27:12-14, pg. 13:7-12, pg. 18-23). In some embodiments the first visual characteristic can be a first color and the second visual characteristic can be a second color different than the first color (specification pg. 13:1-3). For example, the first visual characteristic can include highlighting a portion of both terminals red (specification pg. 13:3-5), and the second visual characteristic can include highlighting the portion of both terminals yellow (specification pg. 14:14-16).

In some embodiments the replenishment module further subsequently modifies the signal simultaneously to both terminals to continuously display a third visual characteristic different than the first and second visual characteristics and responsive to the user acknowledging a receipt of the requested replenishment of inventory that was previously in transit (specification pg. 15:14-18). For example, the third visual characteristic can be a third color different than the

first and second colors, such as by highlighting the portion of both terminals green (specification pg. 15:18-23).

Embodiments of the present invention as recited by the language of independent claim 15 contemplate a method for replenishing inventory (such as the method depicted by steps in FIG. 2). The method includes establishing a supply chain communication link between a user's terminal and a supplier's terminal (such as 205, specification pg. 10:10-14). The method also includes continuously displaying a signal having a first visual characteristic simultaneously to both terminals in response to the user requesting a replenishment of inventory (such as 225, 230, specification pg. 12:10 to pg. 13:6). The method also includes subsequently modifying the signal simultaneously to both terminals to continuously display a second visual characteristic different than the first visual characteristic responsive to the supplier sending the requested replenishment of inventory and during the time that the requested replenishment of inventory is in transit to the user (such as 245, 250, specification pg. 14:4-12).

Embodiments of the present invention as recited by the claims that depend from independent claim 15 contemplate the continuously displaying step and the subsequently modifying step are characterized by said first and second visual characteristics being graphical representations of data (specification pg. 14:18-23). For example, the continuously displaying step and the subsequently modifying step can be characterized by the first visual characteristic being a first color and the second visual characteristic being a second color different than the first color (specification pg. 14:12-14). In some embodiments the continuously displaying step can be characterized by the first visual characteristic, including highlighting a portion of both terminals red (specification pg. 13:3-6). The subsequently modifying step can be characterized by the second visual characteristic, including highlighting the portion of both terminals yellow (specification pg. 14:14-18).

The method can further include subsequently twice modifying the signal simultaneously to both terminals to continuously display a third visual characteristic different than the first and second visual characteristics and responsive to the user acknowledging a receipt of the requested replenishment of inventory that was previously in transit (specification pg. 15:15-18). For example, the subsequently twice modifying the signal step can be characterized by the third visual characteristic being a third color different than the first and second colors (specification pg. 15:18-20). In some embodiments the subsequently twice modifying the signal step can be characterized by the third visual characteristic including highlighting the portion of both terminals green (specification pg. 15:21 to pg. 16:2).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claim 8, 10-15, and 24-32 stand rejected under 35 USC 103 as allegedly being unpatentable over Salvo (US 6,341,271) in view of Hill (2004/0034581).

VII. ARGUMENT

THE SECTION 103 REJECTION OF CLAIMS 8, 10-15, AND 24-32 IS REVERSIBLE ERROR BECAUSE THE OFFICE HAS FAILED TO SHOW THE PRIOR ART INCLUDES ALL THE RECITED FEATURES OF THE REJECTED CLAIMS

Patentability of Claim 8

Appellant agrees with the Office's stated position to the extent that Salvo does not disclose or teach at least the *network*, the *first visual characteristic*, or the *second visual characteristic* feature of claim 8.¹ The Office broadly relies on Hill's paras. 0043-0045 without specificity to allegedly cure the deficiency of Salvo in that regard. However, the skilled artisan having read Hill does not find any evidence in the three paragraphs the Office relies on, or

¹ Office Action of 9/3/2009 pg. 3 para. 5.

anywhere else in Hill, that it teaches at least a signal that displays the *second visual characteristic* as featured by claim 8.

The featured *second visual characteristic* represents the state of the *requested replenishment of inventory* during the interval after it has been sent out of the supplier inventory but before it has been received into the user inventory; that is, the state while it is in transit from the supplier inventory to the user inventory. In other words, the *second visual characteristic* display represents the physical location of the *requested replenishment of inventory* being neither in the supplier inventory nor in the user inventory.

The only reference to “location” in the passage of Hill relied on by the Office (and elsewhere) is the location of the sensor.² The location of the sensor is only relevant to the location of the requested replenishment inventory while it remains in the supplier inventory. The location of the sensor is irrelevant *during the time that the requested replenishment of inventory is in transit to the user* as featured by claim 8.

Also included in the passage relied on by the Office is a reference to an illustrative embodiment of a product marketed as SuppliLink.³ Following is an excerpt of a product sheet obtained at the website⁴ for SuppliLink that is marked up for discussion sake:

² Hill para. [0043]:11-12.

³ Hill para. [0045]:26-29; at www.visibleinventory.com

⁴ <http://www.visibleinventory.com/pdf/SuppliLinkDataSheetFeb04.pdf>

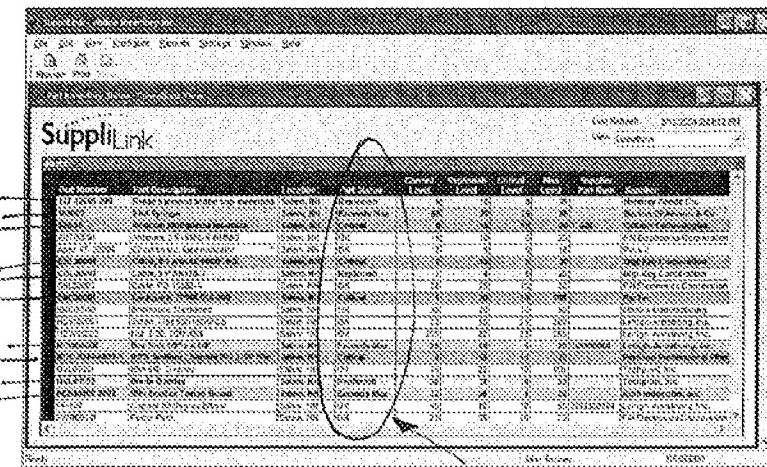


Product Profile: SuppliLink™ Software Solution

- Visible Inventory's *iSeries* sensor products continuously measure and communicate their inventory level to the *SuppliLink* software. From there, it can be automatically communicated to specific points throughout your Supply Chain.
 - Emails to internal personnel or suppliers can be automatically sent when an *iSeries* sensor reaches a specific re-order quantity by part or by stocking location. Email notifications can be set to be periodically resent until necessary replenishment has been made.
 - Emails can also be sent if any part or supply item reaches a critical level and an additional notification or action is required. *SuppliLink* will also monitor maximum part levels and take action when an overstock condition exists.
 - Custom views by planner/buyer, work cell, product line, commodity or any user defined field are easily set up. With a single mouse click key personnel can then see their items and view the current, real-time status.
- *** • Our Replenish view indicates the items that are at or below their replenishment level. As *iSeries* sensor products are refilled those items are automatically removed from this view. This screen can be permanently displayed in a stockroom, warehouse or work cells feeding other work cells to continually and automatically indicate the items that need to be replenished. Parts that reach a critical level switch to red to indicate additional action may need to take place.
- Summary or detailed emails to suppliers can be automatically generated at timed intervals indicating just the items that are at a replenish point or the quantities of all items. This feature allows your supply chain to track real-time usage information.

Real-Time Inventory Measurement and Control at your Desktop or Remotely

The *iSeries* of products provide highly accurate, real-time inventory visibility and control for many industries and for a wide range of items. *SuppliLink* software and wireless network collect real-time information from each remote sensor and populate the *SuppliLink* database. From there, quantity, status, reorder information and history can be viewed through *SuppliLink* from any point on your network, emailed or viewed over the Web using *iVision*.



Visible Inventory, Inc.
Web Site: www.visibleinventory.com

Color	Status
White	OK
Yellow	Replenish
Red	Critical
Blue	Exceeds Max.

Benefits

The *iSeries* of products were developed to address the needs of manufacturers, distributors and healthcare organizations that require highly accurate, real-time control of their inventories or supplies. In these environments, costly "safety" inventories or crippling shortages due to inaccurate counts, misplaced items and delays in communicating replenishment requests to suppliers cannot be tolerated. The Visible Inventory technology specifically addresses these issues.

SuppliLink Profile
Sales and Support: 603-894-6558

Appellant notes that the fifth bullet point indicates that the display indicates which items are at or below the replenishment level in the user's inventory. The display changes when the requested replenishment inventory is received into the user's inventory, not during transit as claimed.

The colored sample display on the SuppliLink website shows the color-coded display scheme. The non-color photocopy above is marked up to show that the colored version of the display uses the four colors of white, yellow (Y), red (R), and blue (B). The corresponding "Part Status" column is circled for emphasis. If the part status for a part listed in a row is "OK," then the row is colored white. The row changes color to yellow when the user inventory drops sufficiently to trigger the "Replenish" status. The row changes color to red if the user inventory drops further to the level that it triggers the "Critical" status. The row changes color to blue if the user inventory "Exceeds Max."

This evidence from even the passage of Hill relied upon by the Office clearly shows that no *second visual characteristic* is displayed when the *requested replenishment of inventory* has been sent out of the supplier inventory but before it has been received into the user inventory, as featured by rejected claim 8.

A *prima facie* case of obviousness requires a showing of a teaching for each claim limitation appearing in the claim.⁵ In construing a claim term, the Office is obligated to apply the broadest reasonable interpretation consistent with the specification.⁶ An interpretation that is inconsistent with the specification is not reasonable.⁷ Further, the Office is obligated to construe the claim language in accordance with its plain meaning.⁸

⁵ *In re Royka*, 180 USPQ 580 (CCPA 1974); MPEP 2143.

⁶ *Phillips v. AWH Corp.*, 75 USPQ2d 1321 (Fed. Cir. 2005)(en banc); MPEP 2111.

⁷ *In re Morris*, 44 USPQ2d 1023 (Fed. Cir. 1997).

⁸ *Phillips, supra*; MPEP 2111.01.

Here, the Office has failed to substantiate evidence to back up its assertion that Hill teaches or suggests at least the *replenishment module...to display a signal having a first visual characteristic simultaneously to both terminals...to subsequently modify the signal... to continuously display a second visual characteristic to both terminals...responsive to the supplier sending the requested replenishment of inventory and during the time that the requested replenishment of inventory is in transit to the user* as featured by claim 8.

Where the Office has not shown that Salvo and Hill teach all the features of the rejected claim, the Office has also not filled the gap in the teachings of the references by substantiating an objective reason as to why the skilled artisan would find the differences to be obvious between what is claimed and what is taught. Therefore, the Office has not substantiated *prima facie* obviousness.

Conclusion.

The Office has not substantiated *prima facie* obviousness for failure to show that the prior art teaches all the features of claim 8. Appellant therefore respectfully requests that the Board reverse the rejection of claim 8 and the claims depending therefrom.

Patentability of Claim 15

Claim 15 recites the same subject matter as claim 8 discussed above: *subsequently modifying the signal simultaneously to both terminals to continuously display a second visual characteristic different than the first visual characteristic responsive to the supplier sending the requested replenishment of inventory and during the time that the requested replenishment is in transit to the user*. The Office's rationale for the rejection of claim 15 is the same as that for claim 8.

Therefore, for the reasons set forth above, the Office has failed to substantiate *prima facie* obviousness for failure to show that the prior art teaches all the features of claim 15. Appellant therefore respectfully requests that the Board reverse the rejection of claim 15 and the claims depending therefrom.

Respectfully submitted,

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VIII. CLAIMS APPENDIX

1. – 7. (Canceled)

8. (Previously presented) A system for replenishing low inventory, comprising:

a first terminal associated with a user's site for entering and displaying information;

a second terminal associated with a supplier's site for entering and displaying

information;

a network connected to said first terminal and said second terminal for exchanging

information between said first terminal and said second terminal; and

a replenishment module executing computer readable instructions stored in memory to

continuously display a signal having a first visual characteristic simultaneously to

both terminals in response to the user requesting a replenishment of inventory, and to

subsequently modify the signal simultaneously to both terminals to continuously

display a second visual characteristic different than the first visual characteristic

responsive to the supplier sending the requested replenishment of inventory and

during the time that the requested replenishment of inventory is in transit to the user.

9. (Canceled)

10. (Previously presented) The system of claim 8 wherein said first and second visual characteristics are graphical representations of data.

11. (Previously presented) The system of claim 8 wherein said first visual characteristic is a first color and said second visual characteristic is a second color different than the first color.

12. (Previously presented) The system of claim 8 wherein said first visual characteristic includes highlighting a portion of both terminals red.

13. (Previously presented) The system of claim 8 wherein said second visual characteristic includes highlighting the portion of both terminals yellow.

14. (Previously presented) The system of claim 25 wherein said third visual characteristic includes highlighting the portion of both terminals green.

15. (Previously presented) A method for replenishing inventory, comprising:
establishing a supply chain communication link between a user's terminal and a supplier's terminal;
continuously displaying a signal having a first visual characteristic simultaneously to both terminals in response to the user requesting a replenishment of inventory; and subsequently modifying the signal simultaneously to both terminals to continuously display a second visual characteristic different than the first visual characteristic responsive to the supplier sending the requested replenishment of inventory and during the time that the requested replenishment of inventory is in transit to the user.

16. – 23. (Canceled)

24. (Previously presented) The system of claim 8 wherein the replenishment module further subsequently modifies the signal simultaneously to both terminals to continuously display a third visual characteristic different than the first and second visual characteristics and responsive to the user acknowledging a receipt of the requested replenishment of inventory that was previously in transit.

25. (Previously presented) The system of claim 24 wherein the third visual characteristic is a third color different than the first and second colors.

26. (Previously presented) The method of claim 15 wherein the continuously displaying step and the subsequently modifying step are characterized by said first and second visual characteristics being graphical representations of data.

27. (Previously presented) The method of claim 15 wherein the continuously displaying step and the subsequently modifying step are characterized by said first visual characteristic being a first color and said second visual characteristic being a second color different than the first color.

28. (Previously presented) The method of claim 15 wherein the continuously displaying step is characterized by said first visual characteristic including highlighting a portion of both terminals red.

29. (Previously presented) The method of claim 15 wherein the subsequently modifying step is characterized by said second visual characteristic including highlighting the portion of both terminals yellow.

30. (Previously presented) The method of claim 15 further comprising subsequently twice modifying the signal simultaneously to both terminals to continuously display a third visual characteristic different than the first and second visual characteristics and responsive to the user acknowledging a receipt of the requested replenishment of inventory that was previously in transit.

31. (Previously presented) The system of claim 30 wherein the subsequently twice modifying the signal step is characterized by said third visual characteristic being a third color different than the first and second colors.

32. (Previously presented) The system of claim 31 wherein the subsequently twice modifying the signal step is characterized by said third visual characteristic including highlighting the portion of both terminals green.

IX. EVIDENCE APPENDIX

No additional evidence is included.

X. RELATED PROCEEDINGS APPENDIX

There exist no relevant related proceedings concerning this Appeal before the Board.